

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

John Kelly Esskew,	)	C/A No. 6:12-1354-JFA-KFM
	)	
Plaintiff,	)	
vs.	)	ORDER
	)	
Freddie Arwood; Tammy Dover; and	)	
James Jewell,	)	
	)	
Defendants.	)	
_____	)	

The *pro se* plaintiff, John Kelly Esskew., brings this action pursuant 42 U.S.C. § 1983 alleging that the defendants were deliberately indifferent to his back pain and mental health issues while he was a detainee at the York County Detention Center.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a Report and Recommendation and opines that the complaint should be dismissed in accordance with Rule 41(b) of the Federal Rules of Civil Procedure. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation and without a hearing.

Prior to the Magistrate Judge's issuance of a Report and Recommendation, the Magistrate Judge twice issued orders pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising the plaintiff of his need to respond to the summary judgment motions.

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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

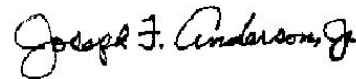
No response was filed by the plaintiff.

The plaintiff was also advised of his right to file objections to the Report and Recommendation, which was entered on the docket on December 4, 2012. However, the plaintiff did not file any objections to the Report within the time limits prescribed. In fact, on December 27, 2012, the copy of the Report and Recommendation mailed to the plaintiff was returned from the U.S. Postmaster marked “Undeliverable.” The plaintiff has previously been ordered to keep the Clerk of Court advised in writing if his address changes and he has not complied with that order.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge’s recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed with prejudice under Rule 41(b).

IT IS SO ORDERED.

January 7, 2012  
Columbia, South Carolina

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

Joseph F. Anderson, Jr.  
United States District Judge